

Appl. No. 09/817,978  
Amendment and/or Response  
Reply to Office action of 6 April 2006

Page 8 of 10

**REMARKS/DISCUSSION OF ISSUES**

Claims 1-4 and 6-25 are pending in the application.

The Examiner is respectfully requested to state whether the drawings are acceptable.

Applicant acknowledges the allowance of claims 1-4, 6-21 and 24-25.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

**35 U.S.C. § 102**

The Office Action rejects claims 22-23 under over Horlander EP 0913997 ("Horlander").

Applicant respectfully traverses those rejections for at least the following reasons.

**Claim 22**

Among other things, the recorder of claim 22 includes a communication circuit permitting transmissions of a command sequence from the programmable recorder to a settop box, and means that monitors a signal indicative of the output of the settop box responsive to the command sequence transmitted to the settop box from the programmable recorder to determine if the command sequence has restored the settop box to a responsive state.

Applicant respectfully submits that Horlander does not disclose any recorder that includes such a combination of features.

The Office Action cites generally and without any specificity, pages 2-3, 6, 8 sections 0061-0062 and page 32 sections 0267-0269 as supposedly disclosing all of the various features of claim 22.

However, the undersigned attorney has carefully reviewed all of the cited pages and does not see any mention of VCR 100 ever determining whether any command sequence sent from VCR 100 to settop box 170 has restored settop box 170 to a responsive state in Horlander. Indeed, the undersigned attorney does not see mention of such a combination of features anywhere in Horlander. Applicant

Atty. Docket No. US010115

**Appl. No. 09/817,978**  
**Amendment and/or Response**  
**Reply to Office action of 6 April 2006**

**Page 9 of 10**

respectfully submits that Horlander does not disclose such a combination of features, and therefore does not disclose the recorder of claim 22.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 22 is patentable over Horlander.

**Claim 23**

Claim 23 depends from claim 22 and is therefore deemed patentable for at least the reasons set forth above with respect to claim 22, and for the following additional reasons.

Among other things, the recorder of claim 22 includes monitoring circuitry that analyzes the video signal and generates a state signal that indicates whether the settop box is operational when the program signal of the settop box changes in response to the command sequence.

Applicant respectfully submits that Horlander does not disclose any recorder that includes such a combination of features.

The Office Action cites page 29 section 0241 as supposedly disclosing such a combination of features.

However, the undersigned attorney has carefully reviewed the cited text, and sees no mention or suggestion that the VCR 100 in Hollander includes monitoring circuitry that analyzes the video signal and generates a state signal that indicates whether the settop box 170 is operational when the program signal of the settop box 170 changes in response to a command sequence. For example, there is no mention in the cited text about the VCR 100 analyzing any video signal from settop box 170. Instead, the cited text discusses on-screen-displays (OSDs) that may be generated five minutes before the VCR 100 is scheduled to begin recording video from settop box 170 in a timed event.

Indeed, the undersigned attorney does not see mention of such a combination of features anywhere in Horlander. Applicant respectfully submits that Horlander does not disclose such a combination of features, and therefore does not disclose the recorder of claim 23.

Atty. Docket No. US010115

Appl. No. 09/817,978  
Amendment and/or Response  
Reply to Office action of 6 April 2006

Page 10 of 10

Accordingly, for at least these reasons, Applicant respectfully submits that claim 23 is patentable over Horlander.

### CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-4 and 6-25 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment (except for the issue fee) to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

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By:   
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Atty. Docket No. US010115